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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/505,248	08/20/2004	Raymond A. Berard	I4060/260859 (IRC301	7424

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EXAMINER	
KHAN, AMINA S	
ART UNIT	**PAPER NUMBER**
1751	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/505,248	BERARD ET AL.	
	Examiner	Art Unit	
	Amina Khan	1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 March 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-55* is/are pending in the application.

4a) Of the above claim(s) *29-55* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28* is/are rejected.

7)☒ Claim(s) *28* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *3/13/2007*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Claims 29-55 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on March 27, 2007. The traversal is on the ground(s) that there is no serious burden on the Examiner to examiner all the claims. This is not found persuasive because Groups I and IV and drawn to divergent methods, Group III is an apparatus claim and Group II is drawn to compositions. These inventions are classified separately and would require a divergent search posing a burden to the Examiner.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 1-55 are pending. Claims 29-55 have been withdrawn from consideration due to non-elected groups.

Specification

3. The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

Claim Objections

4. Claim 28 is objected to because of the following informalities: the term "ethoxylatein" is misspelled. Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-7, 9-24 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kissling et al. (US 3,582,255).

Kissling et al. teach methods of stripping dyes from polyethylene terephthalate in the form of fabric, filaments or loose fibers (column 1, lines 25-52) comprising treating the polyester with compositions comprising mixtures of non-ionic compounds such as nonylphenol ethoxylate and octylphenyl ethoxylates (column 3, lines 15-73) in percentages of 5-40% (column 4, lines 40-45; column 4, lines 48-75). The ethoxylates meet the limitations of leveling agents, wetting agent and leveling carrier. Kissling et al. further teach treating the polyester at 12-140°C at superatmospheric pressure by padding or spraying on the aqueous solution for at least 30 minutes, preferably 40-120 minutes (column 4, lines 1-28). Kissling et al. further teach rinsing and drying the PET after dye stripping (column 5, example 3).

Kissling et al. are silent as to the pressures used and the cooling times and temperatures.

It would have been obvious to one of ordinary skill in the art at the time the invention is made to modify the methods of Kissling et al. by optimizing the pressure and cooling times and temperatures to those instantly claimed to maximize the dye removal from the polyester fabrics. Kissling et al. clearly teach the need for superatmospheric pressure to enhance dye removal, and rinsing steps, which would provide cooling to the fabrics after dye stripping. One of ordinary skill would have been motivated to optimize the teachings of Kissling et al. absent unexpected results.

7. Claims 2,5,6 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kissling et al. (US 3,582,255), as applied to the claims above, and further in view of Fono (US 4,227,881).

Kissling et al. are relied upon as set forth above.

Kissling et al. are silent as to the presence of wetting agents and the identity of the rinsing agent.

Fono, in the analogous are of dye stripping, teaches removing dyes from polyester (column 3, lines 50-55) by applying stripping liquids comprising oxyethylated non-ionic wetting agents (column 3, lines 5-15). Fono further teaches rinsing the polyesters with water after dye stripping (column 3, lines 25-35).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the dye stripping methods of Kissling et al. by

incorporating the wetting agents and water rinsing steps as taught by Fono because Fono teaches the utility and conventionality of these steps in effectively stripping dyes from polyester. One of ordinary skill would have been motivated to combine the teachings of these references to arrive at the predictable result of removing dyes from polyester.

8. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kissling et al. (US 3,582,255) in view of Fono (US 4,227,881), as applied to the claims above, and further in view of Schulze et al. (US 4,943,299).

Kissling et al. and Fono are relied upon as set forth above.

Kissling et al. and Fono are silent as to the presence of alkyl phthalimides.

Schulze et al. teach that it is conventional to treat polyesters with the leveling agents N-alkylphthalimides (column 2, lines 35-40; column 3, lines 10-15).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the dye stripping methods of Kissling et al. and Fono by incorporating the alkyl phthalimides as taught by Schulze because Schulze teaches that these compounds are conventional leveling agents used in treating polyester materials. One of ordinary skill would have been motivated to combine the teachings of these references absent unexpected results.

9. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kissling et al. (US 3,582,255), as applied to the claims above, and further in view of Schulze et al. (US 4,943,299).

Kissling et al. are relied upon as set forth above.

Kissling et al. are silent as to the presence of alkyl phthalimides.

Schulze et al. teach that it is conventional to treat polyesters with the leveling agents N-alkylphthalimides (column 2, lines 35-40; column 3, lines 10-15).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the dye stripping methods of Kissling et al. by incorporating the alkyl phthalimides as taught by Schulze because Schulze teaches that these compounds are conventional leveling agents used in treating polyester materials. One of ordinary skill would have been motivated to combine the teachings of these references absent unexpected results.

10. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kissling et al. (US 3,582,255) in view of Fono (US 4,227,881), as applied to the claims above, and further in view of Wicker, Jr. et al. (US 5,972,049).

Kissling et al. and Fono are relied upon as set forth above.

Kissling et al. and Fono are silent as to the presence of alkyl phthalimides.

Wicker, Jr. et al. teach that it is conventional to treat polyesters with the carriers alkylphthalimides (column 1, lines 10-50).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the dye stripping methods of Kissling et al. and Fono by incorporating the alkyl phthalimides as taught by Wicker, Jr. et al. because Wicker, Jr. et al. teach that these compounds are conventional carriers used in treating polyester materials. One of ordinary skill would have been motivated to combine the teachings of these references absent unexpected results.

11. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kissling et al. (US 3,582,255), as applied to the claims above, and further in view of Wicker, Jr. et al. (US 5,972,049).

Kissling et al. are relied upon as set forth above.

Kissling et al. are silent as to the presence of alkyl phthalimides.

Wicker, Jr. et al. teach that it is conventional to treat polyesters with the carriers alkylphthalimides (column 1, lines 10-50).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the dye stripping methods of Kissling et al. by incorporating the alkyl phthalimides as taught by Wicker, Jr. et al. because Wicker, Jr. et al. teach that these compounds are conventional carriers used in treating polyester materials. One of ordinary skill would have been motivated to combine the teachings of these references absent unexpected results.

12. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kissling et al. (US 3,582,255), as applied to the claims above, and further in view of Pensa (US 4,783,193).

Kissling et al. are relied upon as set forth above.

Kissling et al. are silent as to sealable vessels for dye stripping.

Pensa teaches that it is conventional to use enclosed pressure vessels for stripping dyes from polyester at elevated temperatures (column 6, lines 25-40; column 2, lines 30-45; column 4, lines10-20).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the dye stripping methods of Kissling et al. by incorporating the enclosed pressure vessels as taught by Pensa because Pensa teaches that these compounds are conventional apparatus used in dye stripping processes at elevated temperatures. One of ordinary skill would have been motivated to combine the teachings of these references absent unexpected results.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amina Khan whose telephone number is (571) 272-5573. The examiner can normally be reached on Monday through Friday, 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on (571) 272-1029. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AK
August 30, 2007

LORNA M. DOUYON
PRIMARY EXAMINER